

STATE OF CALIFORNIA  
FISH AND GAME COMMISSION  
FINAL STATEMENT OF REASONS FOR REGULATORY ACTION

Amend Sections 2.09, 2.10 and 5.00,  
Renumber Section 1.71 to 1.70, and Add New Section 1.71,  
Title 14, California Code of Regulations  
Re: Fishing Methods Restrictions

- I. Date of Initial Statement of Reasons: September 17, 2004
- II. Date of Pre-adoption Statement of Reasons: October 26, 2004
- III. Date of Final Statement of Reasons: December 17, 2004
- IV. Dates and Locations of Scheduled Hearings:
- (a) Notice Hearing: Date: June 24, 2004  
Location: Crescent City
- (c) Discussion/Adoption Hearing Date: December 3, 2004  
Location: Monterey
- V. Update:

No modifications were made to the originally proposed language of the Initial Statement of Reasons.

The Commission adopted the proposal at its December 3, 2004 meeting.

- VI. Summary of Primary Considerations Raised in Support of or Opposition to the Proposed Actions and Reasons for Rejecting those Considerations:

See attached "[SUMMARY AND ANALYSIS OF PUBLIC RECOMMENDATIONS AND COMMENTS REGARDING CHANGES TO INLAND SPORT FISHING REGULATIONS PERTAINING TO GEAR RESTRICTIONS](#)".

- VII. Location and Index of Rulemaking File:

A rulemaking file with attached index is maintained at:  
California Fish and Game Commission  
1416 Ninth Street  
Sacramento, California 95814

VIII. Location of Department files:

Department of Fish and Game  
1416 Ninth Street  
Sacramento, California 95814

IX. Description of Reasonable Alternatives to Regulatory Action:

- (a) Alternatives to Regulation Change: None
- (b) No Change Alternative: The changes are necessary to clarify the regulations, protect fishery resources, and eliminate unnecessary restrictions.
- (c) Consideration of Alternatives: In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective as and less burdensome to the affected private persons than the proposed regulation.

X. Impact of Regulatory Actions:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulation clarifies existing regulations, and adds additional fishing gear restrictions to protect salmon and steelhead. These regulations changes are unlikely to have negative impacts on businesses.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None

(c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

(e) Nondiscretionary Costs/Savings to Local Agencies: None

(f) Programs mandated on Local Agencies or School Districts: None

(g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None

(h) Effect on Housing Costs: None

## **Updated Informative Digest/Policy Statement Overview**

Current regulations specify that for rivers and streams the maximum hook gap size is 3/4-inch. Single hooks do not have a gap restriction but the shank cannot exceed 2 inches. There are no hook-size restrictions for Delta waters, lakes and reservoirs, or the Colorado River.

In addition, current regulations define the northern boundary of the Delta as Highway 80. The use of the term Highway 80 is confusing because it does not specify either Interstate 80 or Business 80. A clear definition of the Delta is important because gear restriction regulations are different for areas within the Delta and areas outside of the Delta. In 2003, the eastern boundary of the Delta was relocated from Highway 99 to Interstate 5 to incorporate river and stream gear restrictions in the lower Mokelumne River. Subsequent investigations by enforcement staff have shown that this boundary change was not necessary.

The Department is proposing to replace the two-inch maximum shank length for single hooks in rivers and streams with a maximum hook-gap size of one inch. The maximum gap for multiple hooks in rivers and streams remains at 3/4 inch. In the Delta, the Department is recommending a one-inch maximum gap for single hooks and a 3/4-inch maximum gap for multiple hooks. These hook-gap restrictions will eliminate some of the larger hooks used to illegally snag salmon while not impacting the traditional gear used by striped bass and sturgeon fishers.

The Department is also proposing to relocate the definition of the Delta to a separate section within the chapter on definitions, from the current location in Section 5.00, Black Bass. The new location will be easier for the reader to find the Delta definition. The current Section 1.71 requires renumbering to Section 1.70 but is otherwise unchanged. The new Section 1.71 will contain the Delta definition.

The Department is also proposing to clarify the northern boundary of the Delta by indicating the correct highway names for Interstate 80 and Highway Business 80 instead of Highway 80. The Department is also proposing to relocate the eastern boundary of the Delta from Interstate 5 to its former location, Highway 99, because this proposal contains hook-size restrictions for Delta waters that will provide protection for salmon. This adjustment will simplify black bass regulations and enforcement while continuing to provide adequate protection for Mokelumne River salmon.

This proposal also includes eliminating an obsolete reference in Section 2.09 that states "other devices defined in Section 2.10 as unlawful to use". The current and proposed Section 2.10 no longer contain the referenced devices.

Minor editorial changes were made to clarify regulations. Specifically, the term “directly” was added in subsection 2.10(b)4 to clarify where the attachment of weights are prohibited relative to the hook.



**Section 1.71, Title 14, CCR, is renumbered to read:**

**§1.71. 1.70 Opening Date and Bag Limit for Boundary Waters.**

Waters, exclusive of their tributaries, on the boundary between areas or districts with different opening dates or limits shall open on the earlier date and have the larger limit unless otherwise specified.

NOTE: Authority cited: Sections 200, 202, 205, 210, 219 and 220, Fish and Game Code. Reference: Sections 11, 35, 48, 62, 200-202, 203.1, 205-210 and 215-222, Fish and Game Code.

**Section 1.71, Title 14, CCR, is added to read:**

**§1.71 Sacramento-San Joaquin River Delta.**

The Sacramento-San Joaquin River Delta includes all rivers, sloughs, canals, cuts, forebays, and flooded islands within the area south of Interstate 80 to its junction with Highway Business 80, and south of Highway Business 80 to its junction with Highway 99, west of Highway 99, north of Interstate 580, 205, and Highway 120, and east of Interstate 680.

NOTE: Authority cited: Sections 200, 202, 205, 215 and 220, Fish and Game Code. Reference: Sections 200, 202, 205, 206, 215 and 220, Fish and Game Code.

**Section 2.09, Title 14, CCR, is amended to read:**

**§2.09. Possession of Illegal Gear.**

Except as otherwise provided, no person shall use or possess, except in his or her home, any landing gear, any nets, except standard landing-type dip nets not exceeding 36 inches in greatest dimension, excluding handle, gaffs, or spears or other devices defined in Section 2.10 as unlawful to use, in or within 100 yards of any river, stream, lake or reservoir. Non-electronic underwater viewing devices may not be used for taking fish except under the provisions of Section 2.30.

NOTE: Authority cited: Sections 200, 202, 205 and 220, Fish and Game Code. Reference: Sections 200, 202, 205, 206 and 220, Fish and Game Code.

**Section 2.10, Title 14, CCR, is amended to read:**

**§2.10. Hook and Weight Restrictions.**

(a) Definition of Gap: For the purposes of this section, “gap” means the distance measured from the point of a hook to the shank.

~~(b) Definition of shank: For the purposes of this section, “shank” is measured from the hook eye to the point opposite the point.~~

(e b) Maximum Gaps and Gear Rigging for Rivers and Streams unless otherwise provided (does not apply to lakes and reservoirs, the Sacramento-San Joaquin Delta (see Section 1.71 for definition of the Delta) ~~(defined in Section 5.00)~~, and the Colorado River.

1. No person shall use any single hook with a gap greater than 1 inch or any multiple hook with a gap greater than 3/4 inch, ~~or any hook with a shank longer than 2 inches.~~

2. It is unlawful to use any hook which is directly or indirectly attached closer than 18 inches to any weight exceeding 1/2 ounce.

3. It is unlawful to use any multiple hook or more than one single hook on non-buoyant lures exceeding one ounce.

4. It is unlawful to use any weight directly attached below a hook.

(c) Maximum Gaps for the Sacramento-San Joaquin Delta (see Section 1.71 for definition of the Delta).

1. No person shall use any single hook with a gap greater than 1 inch or any multiple hook with a gap greater than 3/4 inch.

NOTE: Authority cited: Sections 200, 202, 205 and 220, Fish and Game Code.

Reference: Sections 200, 202, 205 and 220, Fish and Game Code.

## **Section 5.00, Title 14, CCR, is amended to read:**

### **5.00 Black Bass.**

It is unlawful to take or possess black bass except as provided below:

(Note: Some waters are closed to all fishing under Section 7.50.)

(a) General Statewide Restrictions:

(1) Lakes/Reservoirs and the Sacramento-San Joaquin Delta: The following waters, except for those listed in subsection (b) Special Regulations (below), are open to fishing all year, with a 12-inch minimum size limit and five-fish daily bag limit: All lakes and reservoirs in the State, and the Sacramento-San Joaquin River Delta, (see Section 1.71 for definition of the Delta). ~~(which for the purposes of this regulation includes all rivers, sloughs, canals, cuts, forebays, and flooded islands within the area south of Highway 80, west of Highway 5, north of Highways 580, 205, and 120, and east of Highway 680).~~

(2) Rivers/Streams and Private Ponds: Rivers, streams, canals, and lakes or ponds entirely on private lands, which are not listed in subsection (b) Special Regulations (below), are open all year with no size limit and a five-fish daily bag limit.

NOTE: Authority cited: Sections 200, 202, 205, 215 and 220, Fish and Game Code.

Reference: Sections 200, 205 and 206, Fish and Game Code.